

**United States District Court
District of Nevada (Las Vegas)
CIVIL DOCKET FOR CASE #: 2:10-cv-02040-JCM-VCF**

Black v. United States Department of Homeland Security
Assigned to: Judge James C. Mahan
Referred to: Magistrate Judge Cam Ferenbach
Cause: 28:2201 Declaratory Judgement

Date Filed: 11/22/2010
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff**P Jeffrey Black**

represented by **P Jeffrey Black**
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Apt 450
Las Vegas, NV 89123
800-980-2185
PRO SE

V.

Defendant**United States Department of Homeland Security**

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TERMINATED: 03/09/2011

Date Filed	#	Docket Text
11/22/2010		Case assigned to Judge James C. Mahan and Magistrate Judge Lawrence R. Leavitt. (JAG) (Entered: 11/22/2010)
11/22/2010	<u>1</u>	COMPLAINT against United States Department of Homeland Security filed by P Jeffrey Black. (Filing fee \$ 350, Receipt # NVLAS485) Certificate of Interested Parties due by 12/2/2010. Proof of service due by 3/22/2011. (Attachments: # <u>1</u> Civil Cover Sheet & Receipt)(ASB) (Entered: 11/23/2010)
11/23/2010	2	NOTICE PURSUANT TO LOCAL RULE IB 2-2: In accordance with 28 USC § 636(c) and FRCP 73, the parties in this action are provided with a link to the "AO 85 Notice of Availability, Consent, and Order of Reference – Exercise of Jurisdiction by a U.S. Magistrate Judge" form on the Court's website –

		www.nvd.uscourts.gov . Consent forms should NOT be electronically filed. Upon consent of all parties, counsel are advised to manually file the form with the Clerk's Office. (no image attached) (ASB) (Entered: 11/23/2010)
11/29/2010	<u>3</u>	Summons Issued as to Daniel Bogden, U.S.A. (ASB) (Entered: 11/30/2010)
11/29/2010	<u>4</u>	Summons Issued as to United States Department of Homeland Security. (ASB) (Entered: 11/30/2010)
01/03/2011	<u>5</u>	CERTIFICATE OF SERVICE for Complaint and Summons by Plaintiff P Jeffrey Black re <u>1</u> Complaint. (MMM) (Entered: 01/03/2011)
01/03/2011	<u>6</u>	CERTIFICATE OF SERVICE by Plaintiff P Jeffrey Black re <u>1</u> Complaint. (MMM) (Entered: 01/03/2011)
01/03/2011	<u>7</u>	CERTIFICATE OF SERVICE by Plaintiff P Jeffrey Black re <u>1</u> Complaint. (MMM) (Entered: 01/03/2011)
01/03/2011	<u>8</u>	CERTIFICATE of Interested Parties filed by P Jeffrey Black. There are no known interested parties other than those participating in the case. (MMM) (Entered: 01/03/2011)
01/28/2011	<u>9</u>	MOTION to Extend Time regarding discovery/nondispositive matter <i>To Respond to Complaint (First Request)</i> re <u>1</u> Complaint, by Defendant United States Department of Homeland Security. Motion ripe 1/28/2011. (Rose, Patrick) (Entered: 01/28/2011)
02/01/2011	<u>10</u>	ORDER Granting <u>9</u> Motion to Extend Time to Respond re <u>1</u> Complaint. United States Department of Homeland Security answer/response due 2/28/2011. Signed by Magistrate Judge Lawrence R. Leavitt on 2/1/11. (Copies have been distributed pursuant to the NEF – MMM) (Entered: 02/02/2011)
02/28/2011	<u>11</u>	ANSWER to <u>1</u> Complaint, filed by United States Department of Homeland Security. Certificate of Interested Parties due by 3/10/2011. Discovery Plan/Scheduling Order due by 4/14/2011.(Rose, Patrick) (Entered: 02/28/2011)
03/02/2011	<u>12</u>	NOTICE of Appearance by attorney Elizabeth A. Olson on behalf of Defendant United States Department of Homeland Security. <i>And Assignment of Co-Counsel</i> (Olson, Elizabeth) (Entered: 03/02/2011)
04/06/2011	<u>13</u>	STIPULATION <i>STIPULATED SCHEDULE FOR FILING ADMINISTRATIVE RECORD AND DISPOSITIVE MOTIONS</i> by Defendant United States Department of Homeland Security. (Olson, Elizabeth) (Entered: 04/06/2011)
04/11/2011	<u>14</u>	ORDER ON STIPULATION Granting <u>13</u> Stipulated Schedule for Filing Administrative Record and Dispositive Motions. See Order for details. Signed by Magistrate Judge Lawrence R. Leavitt on 4/8/11. (Copies have been distributed pursuant to the NEF – MMM) (Entered: 04/12/2011)
06/21/2011	<u>15</u>	DECLARATION of Ryan Law , <i>Vaughn Index and Administrative Record</i> by Defendant United States Department of Homeland Security. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit Vaughn Index, # <u>3</u> Exhibit Administrative Record)(Olson, Elizabeth) (Attachment 3 replaced on 10/4/2011 with redacted version per <u>21</u> Order) (MMM). (Entered: 06/21/2011)
07/11/2011	<u>16</u>	DECLARATION of Ryan Law <i>and Supplemental Vaughn Index</i> by Defendant United States Department of Homeland Security. (Attachments: # <u>1</u> Declaration, # <u>2</u> Index)(Olson, Elizabeth) (Entered: 07/11/2011)
08/23/2011	<u>17</u>	MOTION to Extend Time to Respond (First Request) to <u>11</u> Answer to Complaint by Plaintiff P Jeffrey Black. Motion ripe 8/23/2011. (MMM) (Entered: 08/23/2011)
09/23/2011	<u>18</u>	MOTION to Redact Prohibited and Private Identifiable Information from the Court Record by Plaintiff P Jeffrey Black. Motion ripe 9/23/2011. (MMM) (Main Document 18 replaced on 10/4/2011) (MMM). (Entered: 09/26/2011)
09/28/2011	<u>19</u>	MOTION to Extend Time to File Summary Judgment Motion (First Request) by Plaintiff P Jeffrey Black. Motion ripe 9/28/2011. (MMM) (Entered: 09/29/2011)

10/03/2011	<u>20</u>	ORDER Denying <u>17</u> Motion to Extend Time to Respond to <u>11</u> Answer to Complaint. Signed by Magistrate Judge Lawrence R. Leavitt on 10/3/11. (Copies have been distributed pursuant to the NEF – MMM) (Entered: 10/03/2011)
10/03/2011	<u>21</u>	ORDER Granting <u>18</u> Motion to Redact Prohibited and Private Identifiable Information from the Court Record. Signed by Magistrate Judge Lawrence R. Leavitt on 10/3/11. (Copies have been distributed pursuant to the NEF – MMM) (Entered: 10/04/2011)
10/04/2011	<u>22</u>	ORDER granting <u>19</u> Motion to Extend Deadline. Plaintiff has up to 10/28/2011 to file his motion for summary judgment. Signed by Judge James C. Mahan on 10/4/11. (Copies have been distributed pursuant to the NEF – ECS) (Entered: 10/04/2011)
10/19/2011	<u>23</u>	MINUTE ORDER IN CHAMBERS of the Honorable Chief Judge Robert C. Jones, on 10/19/2011. IT IS ORDERED that this case is reassigned to Magistrate Judge Cam Ferenbach for all further proceedings. Magistrate Judge Lawrence R. Leavitt no longer assigned to case. All further documents must bear the correct case number 2:10-cv-02040-JCM-VCF. (no image attached) (Copies have been distributed pursuant to the NEF – AF) (Entered: 10/19/2011)
10/31/2011	<u>24</u>	MOTION for Summary Judgment by Plaintiff P Jeffrey Black. Responses due by 11/24/2011. (Attachments: # <u>1</u> Exhibit)(SLR) (Entered: 10/31/2011)
11/01/2011	<u>25</u>	VACATED per <u>28</u> ORDER (MMM) MINUTE ORDER IN CHAMBERS Regarding the Requirements of <i>Klinge v. Eikenberry</i> and <i>Rand v. Rowland</i> as to <u>24</u> MOTION for Summary Judgment : Opposition due twenty-one (21) days from the date of this Minute Order, and reply due fourteen (14) days after the filing of the opposition. Signed by Judge James C. Mahan on 11/1/11. (Copies have been distributed pursuant to the NEF – MMM) (Entered: 11/01/2011)
11/01/2011	<u>26</u>	MOTION for Leave to File Under Seal Exhibit 18 to <u>24</u> MOTION for Summary Judgment by Plaintiff P Jeffrey Black. Motion ripe 11/1/2011. (MMM) (Entered: 11/02/2011)
11/04/2011	<u>27</u>	Unopposed MOTION to Vacate <u>25</u> Klingele Minute Order, <i>AND to modify stipulated briefing schedule</i> by Defendant United States Department of Homeland Security. Motion ripe 11/4/2011. (Olson, Elizabeth) (Entered: 11/04/2011)
11/14/2011	<u>28</u>	ORDER Granting <u>27</u> Motion to Vacate <u>25</u> Minute Order and Modify Briefing Schedule. See Order for details. Signed by Judge James C. Mahan on 11/14/11. (Copies have been distributed pursuant to the NEF – MMM) (Entered: 11/14/2011)
12/07/2011	<u>29</u>	ORDER Granting <u>26</u> Motion for Leave to File Under Seal Exhibit 18. Signed by Judge James C. Mahan on 12/7/11. (Copies have been distributed pursuant to the NEF – ASB) (Entered: 12/07/2011)
12/15/2011	<u>30</u>	NOTICE of Appearance by attorney Adam M Flake on behalf of Defendant United States Department of Homeland Security. (Flake, Adam) (Entered: 12/15/2011)
01/06/2012	<u>31</u>	Unopposed MOTION to Extend Time regarding dispositive matter (Second Request) <i>To Modify Briefing Schedule</i> re <u>28</u> Order on Motion to Vacate, by Defendant United States Department of Homeland Security. Motion ripe 1/6/2012. (Flake, Adam) (Entered: 01/06/2012)
01/10/2012	<u>32</u>	ORDER granting <u>31</u> Motion to Extend Deadlines. February 15, 2012 – DHSs opposition to Plaintiffs motion for summary judgment and DHSs cross-motion for summary judgment. March 19, 2012 – Plaintiffs reply to DHSs opposition and opposition to DHSs cross-motion for summary judgment. April 18, 2012 – DHSs reply to Plaintiffs opposition. Signed by Judge James C. Mahan on 1/10/12. (Copies have been distributed pursuant to the NEF – ECS) (Entered: 01/11/2012)
02/14/2012	<u>33</u>	RESPONSE to <u>24</u> MOTION for Summary Judgment, filed by Defendant United States Department of Homeland Security. <i>Opposition to Motion for Summary Judgment</i> . Replies due by 3/2/2012. (Flake, Adam) (Entered: 02/14/2012)
02/14/2012	<u>34</u>	Cross MOTION for Summary Judgment by Defendant United States Department of Homeland Security. Responses due by 3/9/2012. (Flake, Adam) (Entered: 02/14/2012)

02/15/2012	<u>35</u>	MINUTE ORDER IN CHAMBERS Regarding the Requirements of <i>Klinge v. Eikenberry</i> and <i>Rand v. Rowland</i> as to <u>34</u> Cross MOTION for Summary Judgment : Opposition due twenty-one (21) days from the date of this Minute Order, and reply due fourteen (14) days after the filing of the opposition. Signed by Judge James C. Mahan on 2/15/12. (Copies have been distributed pursuant to the NEF – ECS) (Entered: 02/15/2012)
03/20/2012	<u>36</u>	REPLY to Response to <u>24</u> MOTION for Summary Judgment; filed by Plaintiff P Jeffrey Black. (ECS) <u>Docket entry relationship modified on 4/9/2012</u> (SRK). (Entered: 03/20/2012)
03/20/2012	<u>37</u>	RESPONSE to <u>34</u> Cross MOTION for Summary Judgment, filed by Plaintiff P Jeffrey Black. Replies due by 4/6/2012. (SRK) (Entered: 04/09/2012)
04/13/2012	<u>38</u>	REPLY to Response to <u>34</u> Cross MOTION for Summary Judgment ; filed by Defendant United States Department of Homeland Security. (Flake, Adam) (Entered: 04/13/2012)
08/02/2012	<u>39</u>	ORDER that pro se plaintiff Jeffrey Blacks motion for summary judgment <u>24</u> is DENIED without prejudice. The United States cross motion for summary judgment <u>34</u> is DENIED without prejudice. Signed by Judge James C. Mahan on 8/2/12. (Copies have been distributed pursuant to the NEF – ECS) (Entered: 08/02/2012)
08/17/2012	<u>40</u>	STIPULATION re <u>39</u> Order on Motion for Summary Judgment, filed by Defendant United States Department of Homeland Security. (Flake, Adam) (Entered: 08/17/2012)
08/22/2012	<u>41</u>	ORDER ON STIPULATION Granting <u>40</u> Stipulation re <u>39</u> Order on Motion for Summary Judgment. Motions due by 10/1/2012. Replies due by 12/17/2012. Responses due by 11/15/2012. Signed by Judge James C. Mahan on 8/22/2012. (Copies have been distributed pursuant to the NEF – SLR) (Entered: 08/22/2012)
10/01/2012	<u>42</u>	MOTION for Summary Judgment by Plaintiff P Jeffrey Black. Responses due by 10/25/2012. (MMM) (Entered: 10/01/2012)
11/15/2012	<u>43</u>	RESPONSE to <u>42</u> MOTION for Summary Judgment, filed by Defendant United States Department of Homeland Security. <i>Opposition to Plaintiff's Second Motion for Summary Judgment</i> Replies due by 12/2/2012. (Attachments: # <u>1</u> Declaration of Ryan Law (Supplemental))(Flake, Adam) (Entered: 11/15/2012)
11/15/2012	<u>44</u>	Cross MOTION for Summary Judgment <i>Supplemental</i> by Defendant United States Department of Homeland Security. Responses due by 12/9/2012. (Attachments: # <u>1</u> Declaration of Ryan Law (Supplemental))(Flake, Adam) (Entered: 11/15/2012)
11/15/2012	<u>45</u>	ERROR: document filed in error by Clerk, see scheduling order <u>41</u> . MINUTE ORDER IN CHAMBERS Regarding the Requirements of <i>Klinge v. Eikenberry</i> and <i>Rand v. Rowland</i> as to <u>44</u> Cross MOTION for Summary Judgment <i>Supplemental</i>: Opposition due twenty-one (21) days from the date of this Minute Order, and reply due fourteen (14) days after the filing of the opposition. Signed by Judge James C. Mahan. (Copies have been distributed pursuant to the NEF – MAJ) Modified on 11/15/2012. (MAJ) (Entered: 11/15/2012)
12/19/2012	<u>46</u>	REPLY to Response to <u>42</u> MOTION for Summary Judgment filed by Plaintiff P Jeffrey Black. (SLD) (Entered: 12/20/2012)
12/19/2012	<u>47</u>	RESPONSE to <u>44</u> Cross MOTION for Summary Judgment <i>Supplemental</i> filed by Plaintiff P Jeffrey Black. Replies due by 1/5/2013. (SLD) (Entered: 12/20/2012)
12/21/2012	<u>48</u>	MOTION for Leave to File Under Seal the Second Sworn Affidavit of P. Jeffrey Black and Exhibits 27 and 28 in Support of Second Motion for Summary Judgment by Plaintiff P Jeffrey Black. Motion ripe 12/21/2012. (SLR) (Entered: 12/27/2012)
12/28/2012	<u>49</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Cam Ferenbach, on 12/28/2012. By Deputy Clerk: Mai Tieu. Opposition to <u>48</u> Motion for Leave to File Under SEAL the Second Sworn Affidavit of P. Jeffrey Black and Exhibits 27 and 28 In Support of Second Motion for Summary Judgment is due on or before January 7, 2013.(Copies have been distributed pursuant to the NEF – SLR) (Entered: 01/02/2013)

01/03/2013	<u>50</u>	NOTICE of Non–Opposition to Plaintiff's Motion to File Documents Under Seal by United States Department of Homeland Security re <u>48</u> MOTION to Seal. (Flake, Adam) (Entered: 01/03/2013)
01/07/2013	<u>51</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Cam Ferenbach, on 1/7/2013. By Deputy Clerk: Mai Tieu. ORDER that <u>48</u> Motion for Leave to File Under Seal the Second Sworn Affidavit of P. Jeffrey Black and Exhibits 27 and 28 In Support of <u>47</u> Second Motion for Summary Judgment is GRANTED. FURTHER ORDERED that, on or before January 25, 2013, plaintiff may file under SEAL the Second Sworn Affidavit of P. Jeffrey Black and Exhibits 27 and 28 In Support of Second Motion for Summary Judgment <u>47</u> . FURTHER ORDERED that plaintiff may pick up his original file–stamped motion for leave <u>48</u> from the undersigned's chambers. (Copies have been distributed pursuant to the NEF – MMM) <u>Corrected Judge name on 4/3/13. NEF Regenerated. (ASB)</u> (Entered: 01/07/2013)
01/16/2013	<u>52</u>	REPLY to Response to <u>44</u> Cross MOTION for Summary Judgment <i>Supplemental</i> filed by Defendant United States Department of Homeland Security. <i>Reply in Support of Supplemental Cross–Motion for Summary Judgment</i> (Flake, Adam) (Entered: 01/16/2013)
04/03/2013	<u>53</u>	ORDER Scheduling Settlement Conference: Settlement Conference set for 6/19/2013 09:00 AM in LV Chambers before Magistrate Judge Carl W. Hoffman. Signed by Magistrate Judge Carl W. Hoffman on 4/2/2013. (Copies have been distributed pursuant to the NEF – SLD) (Entered: 04/03/2013)
04/10/2013	<u>54</u>	MOTION to Vacate <u>53</u> Order Scheduling Settlement Conference, by Defendant United States Department of Homeland Security. Motion ripe 4/10/2013. (Flake, Adam) (Entered: 04/10/2013)
04/12/2013	55	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Carl W. Hoffman, on 4/12/2013 denying <u>54</u> Motion to Vacate. IT IS HEREBY ORDERED that the Motion to Vacate Order Setting Settlement Conference is DENIED. The Magistrate Judge, after consultation with the District Judge, and careful consideration of the Government's proffered reasons to vacate the settlement conference, finds that good cause exists to conduct a settlement conference in this action. Accordingly, the settlement conference scheduled for June 19, 2013 will not be vacated. (Copies have been distributed pursuant to the NEF – KMB) (Entered: 04/12/2013)
05/29/2013	<u>56</u>	MOTION Motion for Relief from Requirement that Person with Settlement Authority Attend Settlement Conference and Request that DHS Officials be Allowed to Attend via Telephone re <u>53</u> Order Scheduling Settlement Conference, <i>Expedited Review Requested</i> by Defendant United States Department of Homeland Security. Responses due by 6/15/2013. (Flake, Adam) (Entered: 05/29/2013)
05/30/2013	57	ORDER granting <u>56</u> Motion. Good cause appearing, Assistant United States Attorneys Justin Pingel and Adam Flake are authorized to participate in the June 19, 2013 Settlement Conference in person. Officials from the Department of Homeland Security shall be permitted to participate via telephone. Signed by Magistrate Judge Carl W. Hoffman on 5/30/2013. (Copies have been distributed pursuant to the NEF – MW) (Entered: 05/30/2013)
06/19/2013	58	MINUTES OF PROCEEDINGS – Settlement Conference held on 6/19/2013 before Magistrate Judge Carl W. Hoffman. Plaintiff: P. Jeffrey Black, pro se; Def Counsel: <i>Justin Pingel and Adam Flake</i> ; Time of Hearing: 9:00 AM – 10:50 AM; Courtroom: 3C; The Court heard presentations from the parties, which resulted in an agreement to continue the settlement conference for thirty days. The parties are instructed to submit a Joint Status Report, under seal, outlining the status of the issues discussed at the settlement conference. The Joint Status Report should be submitted directly to the chambers of the Honorable C. W. Hoffman, Jr., at fax number: (702) 464–5581 by close of business on July 19, 2013. DO NOT DELIVER OR MAIL THE REPORT TO THE CLERKS OFFICE OR EFILE THE REPORT IN CM/ECF, THE COURTS ELECTRONIC FILING SYSTEM. The parties should include in the Report the following information: 1) the results of the continued settlement discussions based on the issues discussed at the settlement conference, 2) whether the parties would like to reconvene for an additional

		settlement conference, and 3) submit a new scheduling order regarding the dispositive motions, which addresses the status of the pending motions for summary judgment. (no image attached) (Copies have been distributed pursuant to the NEF – KMB) (Entered: 06/19/2013)
07/17/2013	59	<p>MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Carl W. Hoffman, on 7/17/2013. By Deputy Clerk: Donna Smith.</p> <p>A Telephonic Hearing regarding the Status of Case Settlement is set for July 24, 2013, at 3:00 PM in LV Courtroom 3B before Magistrate Judge Carl W. Hoffman.</p> <p>The parties are instructed to call telephone number: (702) 868–4921, access code: 123456, 5 minutes prior to the hearing time. The Court will join the call and convene the proceedings. The call must be made on a land line. The use of a cell phone or speaker phone during the proceedings is prohibited.</p> <p>(no image attached) (Copies have been distributed pursuant to the NEF – DES) (Entered: 07/17/2013)</p>
07/24/2013	60	<p>MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Carl W. Hoffman, on 7/24/2013. By Deputy Clerk: Donna Smith.</p> <p>Due to a clerical error Plaintiff did not receive notification regarding the hearing set July 24, 2013, at 3:00 P.M., accordingly, that hearing is vacated. A Telephonic Hearing regarding the Status of Case Settlement is set for July 31, 2013, at 10:30 AM in LV Courtroom 3C before Magistrate Judge Carl W. Hoffman.</p> <p>The parties are instructed to call telephone number: (702) 868–4921, access code: 123456, 5 minutes prior to the hearing time. The Court will join the call and convene the proceedings. <i>The call must be made on a land line. The use of a cell phone or speaker phone during the proceedings is prohibited.</i></p> <p>(no image attached) (Copies have been distributed pursuant to the NEF – DES) (Entered: 07/24/2013)</p>